

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MOAEC, INC.,

Plaintiff,

v.

PANDORA MEDIA, INC.,  
J. RIVER INC. and NAPSTER, L.L.C,

Defendants.  
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ORDER

07-cv-654-bbc

A telephone hearing was held on February 11, 2009 before United States District Judge Barbara B. Crabb to consider defendant Napster, LLC.'s motion to enforce the parties' protective order and exclude the testimony of plaintiff's expert, Al Teller. Joshua Krumholz and Daniel Hampton appeared for plaintiff. Eric Prager, John Cotter and James Peterson appeared on behalf of Napster, LLC., and Matthew Bender participated on behalf of Pandora Media, Inc.

After hearing argument, I concluded that although there were some regrettable glitches in plaintiff's disclosure of information about plaintiff's expert, they did not deprive defendant Napster of a fair opportunity to obtain the information it wanted about Mr. Teller. Moreover, I am not convinced that defendant Napster has made the necessary showing to preclude Teller as a witness for plaintiff.

However, it is ordered that plaintiff Moaec, Inc., is to make a full disclosure of all materials turned over to Teller and to do so no later than today, February 11, 2009, so that

defendants will have the information when they depose Mr. Teller on February 12, 2009.

If after the deposition, defendants learn of additional information that they believe sheds a different light on the propriety of Mr. Teller's serving as an expert witness, they may renew their motion to exclude him as an expert.

Entered this 11th day of February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge